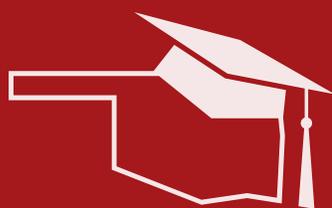


# SPECIAL EDUCATION GENERAL SUPERVISION SYSTEM



OKLAHOMA STATE DEPARTMENT OF  
**EDUCATION**

Oklahoma State Department of Special Education Services

405-521-3351 • <http://ok.gov/sde/special-education>

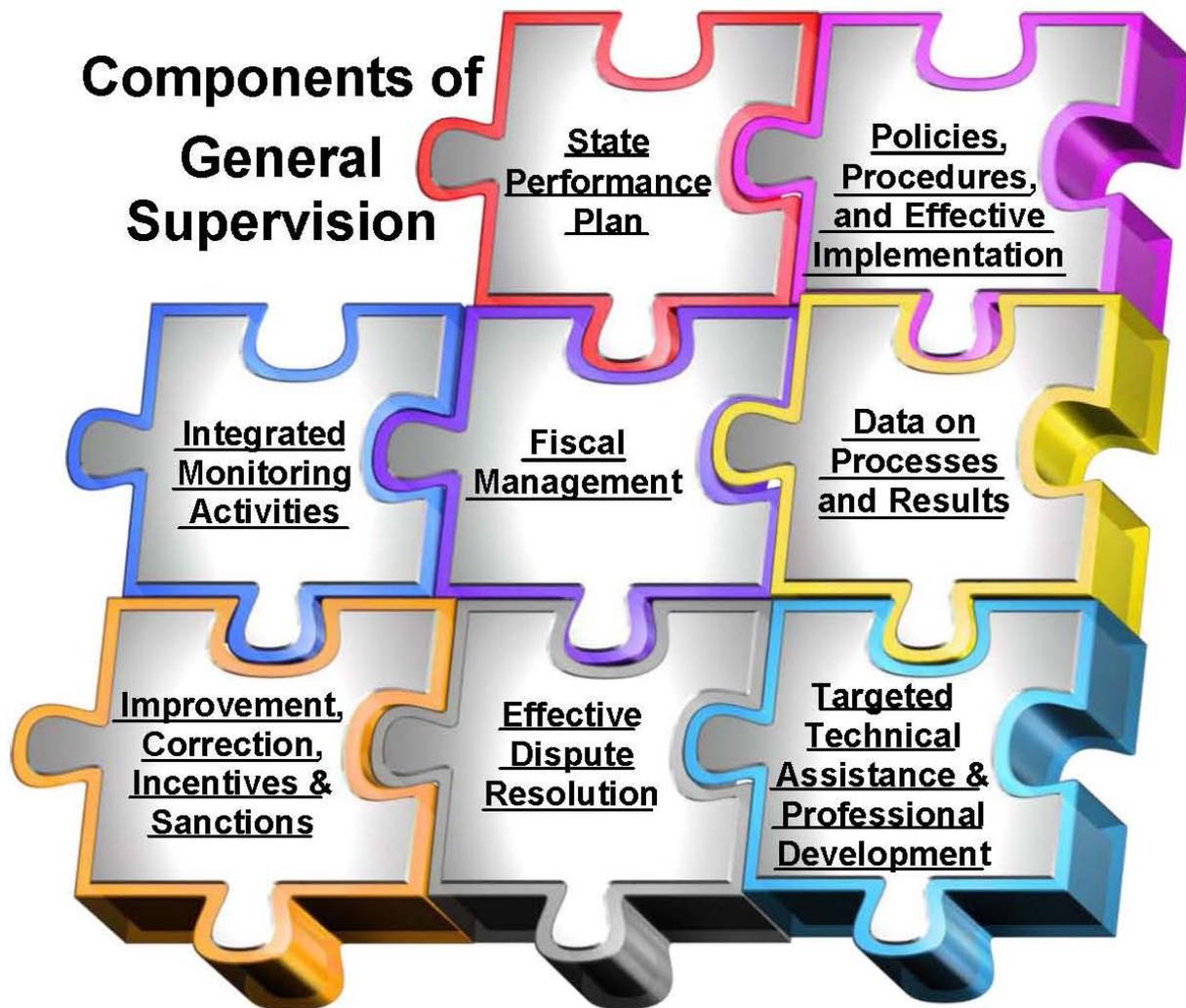
# Table of Contents

Introduction.....	2
State Performance Plan (SPP).....	3
Policies, Procedures, and Effective Implementation .....	4
IDEA B State Advisory Panel.....	4
Integrated Monitoring Activities.....	5
Critical Questions Framework .....	6
Tiered Compliance Review .....	7
Level of Determination.....	7
Selective Review .....	9
Systemic Improvement Review .....	9
Fiscal Management .....	11
Data on Processes and Results.....	12
Improvement, Correction, Incentives, and Sanctions .....	13
Improvement and Corrections.....	13
Improvement Plan .....	13
Corrective Action Plan (CAP).....	13
On-Site Review .....	13
Continuous Compliance Review .....	14
Part B Funding .....	14
Effective Dispute Resolution.....	15
IEP Facilitation.....	15
Mediation .....	15
Formal Complaints.....	16
Due Process Hearings Requests.....	18
Targeted Technical Assistance/Professional Development.....	20
REAC3H Region Assignments .....	21
Special Education Area Assignments.....	21
Appendix.....	22

# Introduction

States have a responsibility under federal law to have a system of general supervision to monitor the implementation of the Individuals with Disabilities Education Improvement Act (IDEA) of 2004. The main purpose of the system is to monitor the implementation of the Individuals with Disabilities Education Act (IDEA) by local education agencies (LEAs). Using this system, states are accountable for enforcing requirements and ensuring continuous improvement. This system is designed to: ensure compliance with federal and state regulations and improve services and outcomes for students with disabilities.

The U.S. Department of Education (USDE), Office of Special Education Programs (OSEP), developed a model, “Components of General Supervision” found below, to illustrate the connectivity among the components that comprise a state’s system of general supervision. There are eight components related to general supervision: State Performance Plan; Policies, Procedures, and Effective Implementation; Integrated Monitoring Activities; Fiscal Management; Data on Processes and Results; Improvement, Correction, Incentives and Sanctions; Effective Dispute Resolution; and Targeted Technical Assistance and Professional Development.



*U.S. Department of Education, Office of Special Education Programs*

# State Performance Plan (SPP)



In accordance with the Individuals with Disabilities Education Act (IDEA), Part B, each state is required to have in place a performance plan evaluating the state's implementation of Part B and describing how the state will improve such implementation. This plan is called the Part B State Performance Plan (SPP) and is required to be posted on the state's website. The *IDEA* Part B, Sections 611 and 619 formula grant programs assist states in providing a free appropriate public education (FAPE) in the least restrictive environment (LRE) for students with disabilities ages 3 through 21.

In addition, the IDEA Part B, requires each state to report annually to the public on the performance of each of its local educational agencies (LEA) according to the targets set in its SPP. The state also shall report annually to the Office of Special Education Programs (OSEP) on its performance according to its SPP targets. This report is called the Part B Annual Performance Report (APR).

Each state must use the targets established in the State Performance Plan (SPP) under [34 CFR § 300.601](#) and the priority areas described in [34 CFR § 300.600\(d\)](#) to analyze the performance of each LEA. The State must report annually to the OSEP on its performance on these SPP targets.

Oklahoma's State Performance Plan (SPP) and Annual Performance Report (APR) are available on the Oklahoma State Department of Education, Special Education Services (OSDE-SES) website at <http://ok.gov/sde/special-education>. Using the SPP Indicators ([Appendix A](#)), established by the OSEP, a data collection system has been designed to measure improvement on each indicator in order to make comparisons nationally and within the state. Annual targets (benchmarks) for state improvement have been set by a group of statewide stakeholders and the IDEA B State Advisory Panel and are detailed in the SPP.

General supervision of LEAs includes quantitative and qualitative indicators according to the targets identified in the Oklahoma State Performance Plan. These indicators measure compliance and performance in the areas of a FAPE, LRE, child find (including disproportionate representation by race/ethnicity that is the result of inappropriate identification), dispute resolution, and transition services.

To coordinate the development of the APR for annual submission, the OSDE-SES maintains a team of personnel with specific indicator assignments. This team collects and analyzes data, drafts responses, shares progress with internal staff and external stakeholders and evaluates implementation and impact of improvement activities for each indicator.

Information regarding each state's APR and SPP can be found on the United States Department of Education website: [www.idea.ed.gov](http://www.idea.ed.gov).

# Policies, Procedures, and Effective Implementation



States are required to have policies and procedures that are aligned with the IDEA [34 CFR § 300.100](#). Oklahoma's special education policies and procedures support state and local implementation of the IDEA.

Agencies responsible for special education and related services must abide by Oklahoma State law, policies, procedures, and the federal regulations for the IDEA Part B and C. Agencies having these responsibilities are: local educational agencies (LEA), educational service agencies (ESA), public charter schools not otherwise included as LEAs or ESAs, other public agencies (e.g., State schools for students with deafness and blindness and State and local juvenile and adult correctional facilities), and accredited private schools and facilities as described in the applicable federal regulations and established by Oklahoma State laws.

In an effort to assist LEAs and other entities providing special education and related services in Oklahoma, the Oklahoma State Department of Education, Special Education Services division, (OSDE-SES) has outlined specific strategies for implementation of the IDEA in the Oklahoma [Special Education Handbook](#). Additional information about Oklahoma's policies and procedures are included in the Oklahoma [Special Education Policies](#) and the Oklahoma [Special Education Process Guide](#).

LEAs are responsible for developing policies and procedures and ensuring effective implementation. LEAs are required annually to complete *Local Education Agency Agreement for Special Education in Oklahoma* which ensures all eligible students in the LEA will have access to a free and appropriate public education (FAPE) ([34 CFR § 300.17](#)). In addition, LEAs are required to submit *Local Education Agency Assurances* which demonstrate that the LEA understands their responsibilities under the IDEA. It is important for LEAs to not only complete the required Agreements and Assurances, but also to have those policies and procedures in place to ensure that the IDEA is implemented in accordance with the federal regulations. Failure to complete these requirements can directly affect approval of budget applications and other financial-related issues, as well as factor in decisions related to the level of integrated monitoring activities.

## IDEA B State Advisory Panel

The OSDE-SES develops policies and procedures by utilizing an IDEA B State Advisory Panel. The IDEA B State Advisory Panel for Special Education serves as an advisory group to the OSDE-SES on issues related to special education and related services for students with disabilities ([34 CFR §300.167](#)).

The IDEA B State Advisory Panel must include the following stakeholders: parents of students with disabilities; individuals with disabilities; state and local education officials; state and local agency representatives; general and special education school administrators and teachers; advocacy groups; representatives of institutions of higher education that prepare special education and related services personnel; representatives of private schools and charter schools; representatives of vocational, community, and business organizations concerned with the provision of transition services to youth with disabilities; and representatives of state juvenile and corrections agencies ([34 CFR §300.168](#)). The IDEA B State Advisory Panel participates in the annual review and revision of the State Performance Plan (SPP) and Annual Performance Report (APR). This includes participation in the development of state targets, the review of data of improvement activities, and making suggestions for updates to the activities and targets. More information, including the IDEA B State Advisory Panel *Operating Guidelines* can be found here: <http://ok.gov/sde/idea-b-advisory-panel>.

# Integrated Monitoring Activities



In accordance with the Individuals with Disabilities Education Act (IDEA), the OSDE-SES must employ general supervision activities that include monitoring of local educational agencies (LEAs) with a particular emphasis on improving educational results and functional outcomes for all students with disabilities while ensuring that LEAs meet the requirements of the IDEA Part B. The OSDE-SES implements procedures for monitoring activities in accordance with the IDEA Part B, federal regulation [34 CFR § 300.600](#) *State monitoring and enforcement*.

Oklahoma's system of general supervision is a comprehensive monitoring system to provide oversight in the implementation of IDEA requirements, related requirements, and performance on the State Performance Plan (SPP) at the local level. Multiple data sources are used to monitor special education programs for continuous examination of performance for compliance and improvement. These data sources include (but are not limited to) the Oklahoma Special Education Child Count System, Oklahoma's A-F Grading System, Phone Log data, Complaint Log, other qualitative data, and critical and/or special investigative audits and findings related to special education. Oklahoma's comprehensive monitoring system for continuous improvement is designed to:

- a) Identify areas of compliance and noncompliance from a variety of sources;
- b) Assist LEAs in correcting identified noncompliance with the IDEA Part B requirements and Special Education policies and procedures (within 12 months of the notification of non-compliance);
- c) Assist LEAs with the development of corrective action and program improvement plans;
- d) Ensure that identified noncompliance is corrected as soon as possible, but no later than one year from the time of identification;
- e) Provide the LEA sites with support and technical assistance;
- f) Verify that the data reported reflect actual practice; and
- g) Ensure consistency with the requirements set forth in *OSEP Memorandum 09-02* ([Appendix B](#)).

In addition, the *Critical Questions Framework* informs Oklahoma's comprehensive monitoring system. This framework classifies the twenty IDEA Indicators using four questions, which highlight the relationship among the indicators. It is designed to assist LEAs in their focus on indicator data to improve services and results for students with disabilities.

The *Critical Questions Framework* (see attachment) informs each component of the comprehensive monitoring system. These components are:

1. Tiered Compliance Review
2. Selective Review
3. Systemic Improvement Review

# Critical Questions Framework

## 1. Are young children with disabilities entering kindergarten ready to learn?

- Indicator 6: Early Childhood Environments
- Indicator 7: Early Childhood Outcomes
- Indicator 12: Early Childhood Transition

## 2. Are children with disabilities afforded equal educational opportunity?

- Indicator 3: Participation and Performance on Statewide Assessments
- Indicator 4a: Significant Discrepancy Suspensions/Expulsions
- Indicator 5: School Age Least Restrictive Environment
- Indicator 8: Parent Involvement
- Indicator 16: Formal Written Complaints
- Indicator 17: Due Process Timelines
- Indicator 18: Resolution Agreements
- Indicator 19: Mediation

## 3. Are youth with disabilities prepared for life, work and postsecondary education?

- Indicator 1: Graduation from High School with a Regular Diploma
- Indicator 2: Exits by Drop-Out from High School
- Indicator 13: Secondary Transition
- Indicator 14: Postsecondary Outcomes

## 4. Does the district implement IDEA with fidelity?

- Indicator 4b: Significant Discrepancies within Special Education Suspensions/Expulsions
- Indicator 9: Disproportionality – Child with a Disability
- Indicator 10: Disproportionality – Eligibility Category
- Indicator 11: Child Find
- Indicator 12: Early Childhood Transition
- Indicator 13: Secondary Transition
- Indicator 15: Identification and Correction of Noncompliance
- Indicator 20: State Reported Data Submitted on Time and Accurate

## Tiered Compliance Review

The OSDE-SES will monitor every LEA in the state each year using the data available for each of the compliance indicators identified in the State Performance Plan (SPP). For each LEA, data submitted through the Oklahoma Special Education Child Count System (i.e., Child Count and Data/End of Year Report) are compared to the targets for each compliance indicator identified in the State Performance Plan. The tiered compliance review addresses the fourth question of the Critical Questions Framework – Does the LEA implement IDEA with fidelity?

### *District Determinations*

District Determinations ([Appendix C](#)) identify any areas of noncompliance for each LEA based on the data in each District Data Profile ([Appendix D](#)). The OSDE-SES will determine if each LEA: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention. Determinations will be made annually and superintendents notified. Determinations should enable LEAs to develop improvement activities and to incorporate those improvement activities into their implementation of the IDEA.

### *Issuance of Finding(s)*

Whenever a finding of noncompliance is identified, the LEA is notified in writing of the area(s) of noncompliance and may be required to develop either an *Improvement Plan* and/or *Corrective Action Plan* that addresses identified areas of noncompliance and includes improvement strategies to ensure correction. The LEA will be informed of the area(s) of noncompliance and the timeline for correction in writing. The OSDE-SES will assist the LEA in completing the required improvement plan or corrective action and provide ongoing technical assistance until requirements are completed. The LEA must demonstrate child-specific corrections, and systemic compliance through data verification conducted by the OSDE-SES, in accordance with the U.S. Department of Education, Office of Special Education Programs (OSEP) [Memo 09-02](#). LEAs must demonstrate both prongs (child-specific and systemic) of correction as soon as possible, but no later than one year from the notification of non-compliance.

### Level of Determination

Level of Determination	Size Total Weight	Support Activities
<b>Tier 1: Meets Requirements</b>	90% - 100%	Conditional Technical Assistance* Conditional Improvement Plan*
<b>Tier 2: Needs Assistance</b>	70% - 89%	Technical Assistance Improvement Plan
<b>Tier 3: Needs Intervention</b>	50% - 69%	Technical Assistance Corrective Action Plan On-Site Review
<b>Tier 4: Needs Substantial Intervention</b>	Less than 50%	Technical Assistance Corrective Action Plan On-Site Review Direct Part B Funding

\*Activities may be required based on level of noncompliance. In addition, LEAs will be required to demonstrate timely correction of noncompliance for indicators 4b, 9, 10, 11, 12, 13, 15, and 20.

### ***Meets Requirements***

LEAs determined to *Meet Requirements* demonstrate adequate compliance regarding the implementation of the IDEA. However, activities may be required based on level of noncompliance. In addition, LEAs will be required to demonstrate timely correction of noncompliance for indicators 4, 9, 10, 11, 12, 13, 15 and 20. The LEA may request Targeted Technical Assistance from the OSDE-SES at any time.

### ***Needs Assistance***

When a LEA is determined to *Need Assistance* the LEA will be required to develop an *Improvement Plan* to address the identified areas of noncompliance. The OSDE-SES will also advise the LEA of available sources of technical assistance to address the area(s) needing improvement. These sources may include assistance from the OSDE-SES, other Federal agencies, technical assistance providers approved by the OSDE-SES, and other federally funded nonprofit agencies. Technical assistance may include— (i) The provision of advice by experts to address the area(s) in which the LEA needs assistance, including explicit plans for addressing the area for concern within a specified period of time; and (ii) Assistance in identifying and implementing professional development, instructional strategies, and methods of instruction that are based on scientifically based research.

### ***Needs Intervention***

When a LEA is identified as *Needs Intervention* the LEA will be required to develop (in consultation with the OSDE-SES) a *Corrective Action Plan* that addresses all identified areas of noncompliance and a timeline for systemic improvement that will occur within one year. The LEA will also be required to participate in an on-site review. The OSDE-SES will advise the LEA of available sources of technical assistance to address the areas needing improvement. These sources may include assistance from the OSDE-SES, other Federal agencies, technical assistance providers approved by the OSDE-SES, and other federally funded nonprofit agencies. Technical assistance may include— (i) The provision of advice by experts to address the areas in which the LEA needs assistance, including explicit plans for addressing the area for concern within a specified period of time; and (ii) Assistance in identifying and implementing professional development, instructional strategies, and methods of instruction that are based on scientifically based research.

### ***Needs Substantial Intervention***

When a LEA is identified as *Needs Substantial Intervention* the LEA will be required to develop a *Corrective Action Plan* that addresses all identified areas of noncompliance and a timeline for systemic improvement that will occur within one year. The LEA will also be required to participate in an on-site review. The OSDE-SES will also advise the LEA of available sources of technical assistance to address the areas needing improvement. These sources may include assistance from the OSDE-SES, other Federal agencies, technical assistance providers approved by the OSDE-SES, and other federally funded nonprofit agencies. Technical assistance may include— (i) The provision of advice by experts to address the areas in which the LEA needs assistance, including explicit plans for addressing the area for concern within a specified period of time; and (ii) Assistance in identifying and implementing professional development, instructional strategies, and methods of instruction that are based on scientifically based research.

## Selective Review

When issues of concern are brought to OSDE-SES’s attention regarding an LEA’s implementation of IDEA, a selective review may be conducted to determine the level of assistance needed. Selective reviews take into account (but are not limited to) the following data: stakeholder concern, phone log information, complaint log information, due process, hearing results, mediation, email correspondence, and critical and/or special investigative audits and findings related to special education ([Appendix E: Selective Review Rubric](#)).

## Systemic Improvement Review

In preparation for the proposed changes to the SPP/APR, the addition of Indicator 17: State Systemic Improvement Plan (SSIP), the OSDE-SES will utilize monitoring activities to support Phase 1 of the SSIP, specifically to identify a State-identified measurable result(s) for students with disabilities, conduct an infrastructure analysis and develop a theory of action based on activities conducted and data acquired through the review. In particular, the systemic improvement review will determine how to support improvement, build capacity in LEAs and local programs and implement, scale up, and sustain evidence-based practices. The Systemic Improvement Review will be piloted in the 2013-2014 school year to ensure that the processes will address the requirements of the SSIP. Full implementation of the Systemic Improvement Review will begin with the 2014-2015 school year, utilizing data from the 2013-2014 school year.

The systemic improvement review looks at three specific areas identified by the *Critical Questions Framework*:

1. Early Childhood (Indicators 6, 7, and 12)
2. Equal Educational Opportunity (Indicators 3, 4a, 5, 8, 16, 17, 18, and 19)
3. Secondary Transition (Indicators 1, 2, 13, and 14)

For each area, a total of six LEAs will be selected from each enrollment clusters. The six enrollment clusters are defined according to total enrolled population:

- 1: 9,000 students and above
- 2: 3,000 to 8,999 students
- 3: 1,000 to 2,999 students
- 4: 500 to 999 students
- 5: 250 to 499 students
- 6: 1 to 249 students

During the pilot school year (2013-2014) LEAs will be selected on a voluntary basis. During the subsequent full implementation years, LEAs will be paired according to highest and lowest performance areas in each of the enrollment clusters.

Area	Cluster 1	Cluster 2	Cluster 3	Cluster 4	Cluster 5	Cluster 6
Early Childhood	Low/High	Low/High	Low/High	Low/High	Low/High	Low/High
Equal Educational Opportunity	Low/High	Low/High	Low/High	Low/High	Low/High	Low/High

<b>Secondary Transition</b>	Low/High	Low/High	Low/High	Low/High	Low/High	Low/High
-----------------------------	----------	----------	----------	----------	----------	----------

***Required Activities:***

As part of the Systemic Improvement Review, LEAs will be required to participate in various activities related to the specific area identified. The OSDE-SES will assign specific staff members to help facilitate collaboration and improvement activities between the paired LEAs.

1. Complete a self-assessment of the LEA’s special education program and self-assessments specific to the area being addressed.
2. Participate in a general webinar, facilitated by the OSDE-SES, prior to collaboration.
3. Collaborate in person or through conference calls with paired LEAs to share information, relevant data, and improvement strategies.
4. Develop a systemic improvement plan related to the identified area.

***In addition to the required activities listed above, participating LEAs will be asked to:***

1. Provide information and presentations to the Oklahoma Directors of Special Services, the Oklahoma Parents Center, and other state-wide conference regarding activities conducted through the Systemic Improvement Review.
2. Complete feedback and analysis forms related to their activities.
3. Present at subsequent Vision 2020 Conferences or through recorded webinars.
4. Participate in a workshop at Vision 2020.

***Additional activities will be conducted by the OSDE-SES:***

1. Prepare sessions for Vision 2020 focusing on the three areas.
2. Post information about LEA collaboration and activities conducted through the Systemic Improvement Review to the OSDE-SES website.
3. Conduct site observations at participating LEAs the following year to determine the level of improvement for each area.

After examining each area, the OSDE-SES will determine how to support improvement, build capacity in LEAs and local programs and implement, scale up, and sustain evidence-based practices. A State-identified measureable result(s) for students with disabilities will be selected for the SSIP, based on the infrastructure analysis conducted through the Systemic Improvement Review. A theory of action will be developed with the support of the IDEA B State Advisory Panel.

# Fiscal Management



IDEA funds are provided for the excess cost of special education and related services for students with disabilities. IDEA funds are intended to supplement and not supplant state, local or other federal funds.

Funds are awarded to the OSDE by the United States Department of Education (USDE), Office of Special Education Programs (OSEP), to "flow-through" to the LEA contingent upon an LEA's application for Part B funds.

Flow-through funds will be awarded on a formula based on the number of students with disabilities aged three through 21 served on December 1<sup>st</sup>, 1999, as well as the total student enrollment in the LEA (in both public and private schools located in the LEA) and the poverty level of the LEA (defined as the free and reduced lunch count within the LEA) as provided by the OSEP.

The OSDE must ensure fiscal accountability at each phase in the distribution and use of the Individuals with Disabilities Education Act (IDEA) Part B funds.

Annual audits of financial transactions and compliance of each LEA are required by Oklahoma State law (70 O.S. § 22-103). Federal regulations (OMB Circular A-133) require a financial and compliance audit of all programs receiving federal funds in excess of \$500,000. These regulations ([34 CFR Part 74](#)) ensure that audits will be made on an organization-wide basis rather than a grant-by-grant basis according to the standards and procedures expressed therein.

Oklahoma's system of general supervision includes a process to provide oversight in the distribution and use of IDEA funds at the state and local level. Information on these processes can be found in the *Special Education Funding Manual for IDEA Part B*. The purpose of the OSDE's online IDEA Funding Manual is to provide a comprehensive overview of fiscal policies, procedures, and mechanisms by which the OSDE accounts for the IDEA funds requirements, including: Use of Amounts, Private School Proportionate Share, Coordinated Early Intervening Services, School-wide Programs, Additional Fiscal Requirements, and Allocations to LEAs.

When conducting an On-Site Review, the LEA will be required to complete the *IDEA Part B Financial Monitoring Checklist*. This document is located at: <http://ok.gov/sde/compliance>.

## Data on Processes and Results



As a part of a state's general supervision responsibilities, data are used for decision making about program management and improvement. This process includes:

- (1) Data collection and verification,
- (2) Data examination and analysis,
- (3) Public reporting of data,
- (4) Status determination, and
- (5) Improvement activities.

**(1) Data Collection and Verification** - IDEA requires that data are collected from LEAs through a state-reported data collection system and reported in the Annual Performance Report (APR). To effectively use these data, LEAs must regularly update the data, and the state must routinely examine the collected data. The state uses the data, as well as information from other sources; such as other state-collected data, patterns, and trends in dispute resolution data and previous findings, to evaluate the performance of the state and the LEAs on the State Performance Plan (SPP) indicators. These data are also useful in identifying the LEAs in need of monitoring, especially when these data can be compared across SPP/APR indicators.

It is important for states to ensure that the data collected from the LEAs are accurate, as well as submitted in a timely manner. Accuracy has multiple levels, including that the data follow rules of entry or submission and that they reflect actual practice. States must develop multiple methods of verifying data accuracy.

**(2) Data Examination and Analysis** - The state examines data in a variety of ways to identify and determine patterns and trends.

**(3) Public Reporting of Data** - The State's performance plan is available on the OSDE-SES website, and is also distributed through public agencies.

Each year, special education reporting dates are posted to build capacity for LEAs to report timely and accurate data. Additional information about the special education reports and due dates are included in the Oklahoma Special Education Data Manual.

**(4) Status Determination** - Based on the information contained in data reports, information obtained through monitoring visits and other public information, OSEP determines if a state Meets Requirements; Needs Assistance, Needs Intervention, or Needs Substantial Intervention. The IDEA ([34 CFR § 300.600](#)) requires that states review the data of each local LEA to evaluate their performance in meeting requirements and purposes of the IDEA. After a review of the data, states are required to make determinations on whether LEAs: Meet Requirements; Need Assistance; Need Intervention; or Need Substantial Intervention.

**(5) Improvement Activities** - Through the state's improvement plan activities in the SPP and data from the examination of LEA performance; ongoing state activities are used for program improvement and progress measurement. States also coordinate Elementary and Secondary Education Act school improvement activities with SPP improvement activities. Technical assistance activities, designed to address the needs of each individual LEA, are based on data that are collected.



# Improvement, Correction, Incentives, and Sanctions

## Improvement and Corrections

If the State issues a finding of noncompliance for an LEA then the LEA must correct the noncompliance, as soon as possible, but no later than one year from the date of notification. The LEA must identify the root cause of the area(s) of noncompliance and may be required to develop a *Corrective Action Plan* (CAP) or an *Improvement Plan* based on their compliance review determination.

## Improvement Plan

LEAs with identified areas of noncompliance may be required to develop a written plan addressing the areas of noncompliance and include improvement strategies to ensure correction. This *Improvement Plan* shall include methods of internal monitoring, safeguards, the person(s) responsible for the implementation, and the date of implementation. *Improvement Plan* templates will be provided by the OSDE-SES (see [Appendix F](#) for a sample *Improvement Plan*). The OSDE-SES will assist LEAs in the development of the improvement plan and timelines for completion. The OSDE-SES will review the improvement plan upon receipt and notify the LEA within 30 days regarding approval/disapproval of the improvement plan.

## Corrective Action Plan (CAP)

*Corrective Action Plans* are developed in collaboration with the OSDE-SES and will require the LEA to take action specific to a particular area of non-compliance. For example, student-specific timelines regarding when IEPs should be in effect or reevaluation timelines will need to be addressed and appropriate action taken within the OSDE-SES mandated timeline. The OSDE-SES may direct the LEA to convene an IEP meeting to bring timelines into compliance, complete areas of the IEP not previously addressed, conduct evaluations or reevaluations to reflect compliance, or any other specific action deemed necessary. This corrective action will bring any noncompliance into good standing for the specific student(s) the OSDE-SES has identified.

## On-Site Review

LEAs receiving a determination of Needs Substantial Intervention and Needs Intervention will receive an On-Site Review. In addition to an LEA's level of determination for the tiered compliance review, the OSDE-SES may conduct an on-site review through the selective review process. The selective review process considers ongoing concerns with regard to phone logs, concern-specific correspondence with the public as well as LEA personnel, and formal complaints filed with the state education agency.

The On-Site Reviews are comprehensive in nature and may include (but are not limited to): 1) IDEA Part B fiscal reviews; 2) review of student records; 3) data verification review; 4) interviews with LEA personnel; 5) individual student tracking; 6) parent interviews; or 7) other issues as identified. A finding is issued for each area of noncompliance identified. The OSDE-SES may prescribe a *Corrective Action Plan* (CAP) or *Improvement Plan* that addresses identified areas of non-compliance and includes improvement strategies to ensure correction. All documents related to the On-Site Review are located at: <http://ok.gov/sde/compliance>.

## Continuous Compliance Review

The OSDE-SES must ensure that the LEA has demonstrated systemic compliance for each individual case of noncompliance that was identified. This verification of systemic compliance must occur as soon as possible. In ensuring that the LEA is demonstrating systemic compliance, the OSDE-SES will:

- Notify the LEA of the Continuous Compliance Review within 6 months of the issuance of findings.
- Require each LEA to submit a reasonable sample of confidential student records and other documentation necessary for the OSDE-SES to verify systemic compliance. The reasonable sample will be determined based on the current enrollment of students receiving special education services.
- Obtain records via mail request; on-site visit; or electronic IEP data base.
- Review the records utilizing the Verification of Continuous Compliance process to determine if the LEA continues to be in compliance with IDEA Part B requirements within thirty days of receipt of the requested documents. The LEA will be contacted by the OSDE-SES if additional documentation is necessary to verify compliance. When the LEA is determined to be in compliance, the LEA will be notified via U.S. Mail.

All areas of noncompliance must be corrected within one year of the OSDE-SES notification to the LEA. If an LEA does not meet requirements through the verification of continuous compliance the finding(s) will not be closed and the LEA will be notified in writing of the requirement to participate in an on-site compliance review and subsequent verification of continuous compliance. All documents related to the Continuous Compliance Review are located at: <http://ok.gov/sde/compliance>.

## Part B Funding

The OSDE-SES may require LEAs to set aside funding allocations to address areas of noncompliance or re-budget funding allocations. The LEA or State agency will be given reasonable notice and an opportunity for a hearing prior to the redirection of funds. Hearing procedures shall be in accordance with federal regulations for State Administered Programs ([34 CFR §§ 76.401](#) and [34 CFR 76.783](#)) and the General Education Provisions Act ([34 CFR §§ 81.30-81.45](#)). Further information regarding IDEA Part B Funding can be found in the [Special Education Funding Manual for IDEA Part B](#).

# Effective Dispute Resolution



## *Oklahoma Dispute Resolution in Special Education: One of Four Exemplary State Systems*

Between Fall 2008 and Summer 2010, CADRE, the National Center on Appropriate Dispute Resolution in Special Education, undertook a process to identify state special education dispute resolution systems that are particularly effective and to characterize those systems and their components in ways that will be useful to other states that are considering improvement activities. Oklahoma was identified as an exemplar state. Profiles were developed so that these states' dispute resolution systems could be viewed in their entirety and used as potential models.

Several mechanisms are available through the Oklahoma State Department of Education (OSDE) to assist in resolving disputes. The processes are individualized education program (IEP) facilitation, mediation, formal complaints, due process hearings, facilitated resolution sessions, and expedited due process hearings.

The Special Education Resolution Center (SERC) manages the special education due process hearing system for the State of Oklahoma. The duties of SERC have been expanded to include innovative programs to assist parents and LEAs to settle disputes at the earliest stage possible. At no cost to either party, SERC provides highly trained mediators to assist with disputes which may develop at any time during the relationship of the parties over special education issues. Additionally, SERC also provides highly trained facilitators during required resolution sessions of due process. SERC provides stakeholder training that supports mutual collaboration. Additional information on SERC can be located at: [http://www.ok.gov/abletech/Special\\_Education\\_Resolution\\_Center/](http://www.ok.gov/abletech/Special_Education_Resolution_Center/).

## **IEP Facilitation**

IEP facilitation is a voluntary process for which a facilitator is appointed to facilitate an IEP team meeting. The role of the facilitator is to help team members communicate more effectively and efficiently. IEP facilitation supports early dispute resolution, providing assistance to the IEP team before a potential conflict develops into a more serious dispute. The facilitator is an impartial third party, not a member of the IEP team, and has no stake in decisions made by the team.

A request for IEP facilitation may be made by the parent and/or adult student or by an LEA representative, such as the director of special education. Requests may be made in writing or by phone to the resolution center.

## **Mediation**

The OSDE has developed a mediation system to help resolve disagreements between LEAs and parents and/or adult students regarding the identification, evaluation, educational placement, and the provision of a free appropriate public education (FAPE). A request for mediation may be made by the parent and/or adult student or the LEA at any point without the necessity of requesting a due process hearing. Requests may be made in writing or by phone to the resolution center. The ultimate goal of mediation is to obtain a written agreement that is acceptable to both parties. Mediation agreements are legally binding. Even if a written agreement is not achieved, mediation may be helpful in clarifying issues. Following a request for mediation, the resolution center will contact the other party and ask whether they are willing to participate in mediation. Mediation may not be used to deny or delay the right to a due process hearing or any other rights afforded to students and parents.

## Formal Complaints

The OSDE-SES utilizes complaint procedures outlined in the IDEA Part B, federal regulation [34 CFR § 300.152](#) *Minimum State complaint procedures*.

A formal complaint may be filed with the OSDE by any individual or organization who believes the LEA or other education agency has violated a requirement of Individuals with Disabilities Education Act (IDEA). The OSDE will accept a complaint received by mail, fax or hand delivery.

The complaint must be in writing and include the following information:

1. Current date;
2. The name, address, and telephone number of the person making the complaint (or available contact information);
3. The signature of the person making the complaint;
4. If alleging violations regarding a specific student, the name and address of the student involved (or available contact information in the case of a homeless student or family);
5. The school and LEA or other education agency that is the subject of the complaint;
6. One or more statements (allegations) that the LEA has violated one or more requirements of IDEA Part B;
7. The facts and/or a description of the events that support each allegation; and
8. Proposed resolution of the problem or the relief sought to the extent known and available to the party at the time.

The complaint must allege a violation that occurred not more than one year prior to the date that the complaint is received. The OSDE has a form available that may be used.

Upon receipt of a written complaint, the OSDE will do the following:

1. Determine whether the complaint meets all of the required criteria.
  - a. Has all the necessary student information been provided (name, date of birth, LEA, current grade, and disability)?
  - b. Has all the necessary complainant information been provided (name, address, phone number, signature)?
  - c. Is it clear from the letter that the party intended to file a formal complaint with the state resulting in an investigation?
  - d. Does the letter include facts, which if true, would be a violation of IDEA/State legal requirements addressing the provision of special education?

- e. Does the complaint allege violations of legal requirements which occurred within the last year?
  - f. Is/was there a due process hearing involving the same parties and issues?
  - g. Does the letter clearly state what the complainant is seeking as a result of the complaint?
2. If the complaint does not meet the required criteria, the complainant will be notified in writing with an explanation of the determination.
  3. If the complaint does meet the required criteria, the OSDE will notify the complainant and the LEA in writing and the timeline to submit documentation regarding the allegations, either orally or in writing.
  4. The OSDE-SES will contact the LEA to determine if an on-site visit is necessary and/or coordinate procedures to interview appropriate staff. At this time the OSDE-SES may request additional information be sent regarding the complaint.
  5. Develop a draft report for the Assistant State Superintendent (or Designee) to review and revise as necessary. At this time additional information, on-site visits, and/or interviews with appropriate staff may be necessary.
  6. Issue a letter of findings of fact, conclusions, and resolution for each violation within 60 calendar days of receipt of the complaint. This time period may be extended, but only under exceptional circumstances, which must be documented by the OSDE. The resolution will state:
    - a. How to remedy any denial of services, which may include the award of compensatory services, or other corrective action as appropriate to the needs of the student; and
    - b. The future provision of services for a student with a disability, if such clarification is needed.
  7. Ensure the LEA takes corrective action if it is determined that the LEA was out of compliance. All corrective actions must be completed no later than one year from issuance of the finding of violation. The OSDE may require a timeline for correction at a date earlier than one year.
  8. Within thirty calendar days of the issuance of the report of findings, the complainant and/or LEA may submit a written request to the OSDE-SES to review the complaint for errors. The conclusions of the OSDE-SES findings are not subject to appeal.
  9. The OSDE-SES shall issue a written response to the complainant and LEA within thirty calendar days of this request.
  10. At any time during the complaint investigation the complainant and LEA may engage in alternative dispute resolution procedures to resolve the issues outlined in the complaint. The complaint will be closed if:
    - a. The complainant submits in writing to the OSDE-SES that the issues have been resolved.
    - b. A Mediation Agreement has been reached.

- c. A facilitated IEP meeting has been held indicating the complainant and the LEA have reached an agreement on the issues outlined in the complaint.

## **Due Process Hearings Requests**

The OSDE-SES provides due process complaint procedures as outlined in the IDEA Part B, federal regulations [34 CFR § 300.507-518](#). A comprehensive outline of these regulations can be found in the United States Department of Education Federal Register, [34 CFR Parts 300 and 301](#).

A request for a due process hearing may be made by a parent, adult student, and attorney representing the parent/adult student or the LEA. A parent and/or adult student or LEA may file a request for hearing with the other party. The request must be mailed, faxed, or hand delivered. When the request is filed the requesting party must send copies to the Dispute Resolution Coordinator at the OSDE.

All applicable timelines for due process hearing and resolution sessions will start when the request has been filed with the other party and the OSDE.

Oklahoma's due process system has 2 types of hearings, a regular due process hearing and an expedited due process hearing:

1. A regular due process hearing is an administrative hearing to resolve disputes on any matter related to the identification, evaluation, educational placement, and the provision of a FAPE.
2. An expedited due process hearing is an administrative hearing to resolve disputes concerning discipline. The expedited hearing will occur within 20 school days of the request, with a decision rendered within 10 school days of the hearing.

A due process hearing may be requested on behalf of a student by a parent, by the adult student, or by an attorney representing the student.

1. A due process hearing must be initiated within 2 years of the date the parent and/or adult student knew or should have known of the dispute. The 2 year timeline will not apply if the parent and/or adult student were prevented from requesting a hearing due to misrepresentations that the issues had been resolved or the withholding of information by the LEA required to be provided under the IDEA.
2. A due process hearing can be initiated regarding issues pertaining to identification, evaluation, educational placement, or the provision of a FAPE if:
  - a. The LEA proposes to initiate or change any of these matters; or
  - b. The LEA refuses the parent's and/or adult student's request to initiate or change any of these matters.

Additional information regarding due process complaints can be found in the Oklahoma Special Education Handbook or by contacting the Special Education Resolution Center.

All requests for filing a formal Written Complaint and/or Due Process Hearing should be submitted to:

**The Oklahoma State Department of Education  
Dispute Resolution Coordinator  
2500 N. Lincoln Boulevard, Suite 412  
Oklahoma City, OK 73105  
Local: 405-521-3351  
Facsimile: 405-522-2380**

All requests for Mediation or IEP facilitation should be submitted to:

**Special Education Resolution Center (SERC)  
9726 E. 42nd Street, Suite 203  
Tulsa, OK 74146  
Toll Free: 888-267-0028  
Local: 918-712-9632  
Facsimile: 918-712-9058**

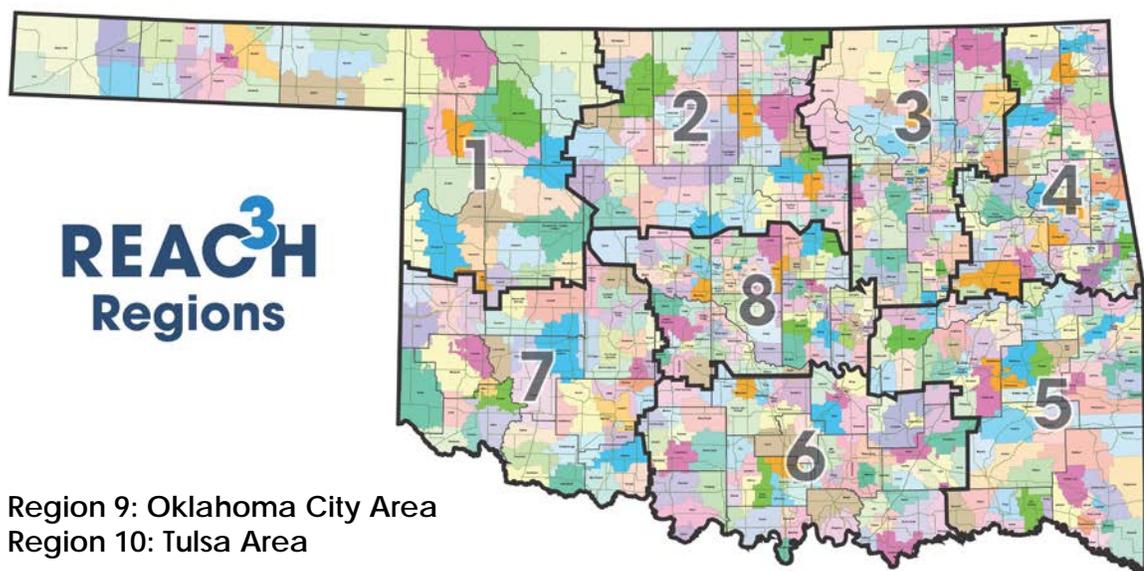


# Targeted Technical Assistance/Professional Development

Targeted Technical Assistance and Professional Development are ongoing activities and are a major part of the OSDE-SES general supervision system. Technical Assistance is designed to link directly to indicators in the State Performance Plan/Annual Performance Report (SPP/APR) and to improve the level of compliance in Oklahoma LEAs. The State’s comprehensive approach to technical assistance enables the Department to differentiate the scope of services provided for LEAs based on local needs. For example, the OSDE-SES makes available for all LEAs Technical Assistance (TA), such as meetings with local LEAs, webinars to support compliant implementation of the IDEA, updates via email, webinars, and training on the Oklahoma Special Education Handbook and special education forms.

Technical Assistance provides a framework for LEAs to build their general supervision. Basic TA includes providing documentation of evidence-based practices and disseminating examples of success to assist others in planning, implementation and use of tools to achieve positive outcomes. TA ranges from general levels, such as the state providing a review of best practices, to providing Targeted Technical Assistance (TTA). TTA includes more focused levels of support such as the state directing root cause analysis and monitoring of Corrective Action Plan (CAP) development and subsequent correction. Successful TTA requires an ongoing negotiated and collaborative relationship. TTA includes a purposeful and planned series of activities that result in changes to policy, program, or operations that support increased capacity at the state/system/school levels. Professional development (PD) ranges from a basic level of providing general information to targeted and intensive PD, which is focused on data driven school improvement in LEAs, schools and classrooms. Successful research based PD involves system-wide commitment to a multi-year process of improvement. TA, TTA and PD are designed to build the capacity of individuals, schools and LEAs to plan, implement and support desired outcomes for their students.

LEAs can access and request technical assistance, targeted technical assistance, or professional development in order to improve student outcomes. The following map indicates the REAC3H regions for various agency initiatives including TTA and PD for special education.



## **REAC3H Region Assignments**

### ***Compliance, Data and Finance Team***

Regions 1, 2 and 7: Karen Howard, (405) 521-3587 [Karen.Howard@sde.ok.gov](mailto:Karen.Howard@sde.ok.gov)

Regions 3 and 4: Janet Felton, (405) 522-1578 [Janet.Felton@sde.ok.gov](mailto:Janet.Felton@sde.ok.gov)

Regions 5 and 6: Felica Denton, (405) 521-4857 [Felica.Denton@sde.ok.gov](mailto:Felica.Denton@sde.ok.gov)

Regions 8, 9 and 10: Carole Tomlin, (405) 521-2335 [Carole.Tomlin@sde.ok.gov](mailto:Carole.Tomlin@sde.ok.gov)

### ***Assessment and Instruction Team***

Regions 1 and 2: Kurt Johnson, (405) 522-3246 [Kurt.Johnson@sde.ok.gov](mailto:Kurt.Johnson@sde.ok.gov)

Regions 3 and 4: Tracey Lindroth, (405) 521-4881 [Tracey.Lindroth@sde.ok.gov](mailto:Tracey.Lindroth@sde.ok.gov)

Regions 5 and 6: Tricia Hansen, (405) 522-1463 [Tricia.Hansen@sde.ok.gov](mailto:Tricia.Hansen@sde.ok.gov)

Regions 7 and 8: Christie Stephenson, (405) 521-4866 [Christie.Stephenson@sde.ok.gov](mailto:Christie.Stephenson@sde.ok.gov)

Region 9: Angela Kwok, (405) 522-5036 [Angela.Kwok@sde.ok.gov](mailto:Angela.Kwok@sde.ok.gov)

Region 10: Tina Spence, (405) 521-4877 [Tina.Spence@sde.ok.gov](mailto:Tina.Spence@sde.ok.gov)

## **Special Education Area Assignments**

Secondary Transition: Tina Spence, (405) 521-4877 [Tina.Spence@sde.ok.gov](mailto:Tina.Spence@sde.ok.gov)

Least Restrictive Environment: Tracey Lindroth, (405) 521-4881 [Tracey.Lindroth@sde.ok.gov](mailto:Tracey.Lindroth@sde.ok.gov)

Related Services/Bootcamp: Tricia Hansen, (405) 522-1463 [Tricia.Hansen@sde.ok.gov](mailto:Tricia.Hansen@sde.ok.gov)

Alternative Standards/OAAP: Christie Stephenson, (405) 521-4866 [Christie.Stephenson@sde.ok.gov](mailto:Christie.Stephenson@sde.ok.gov)

Assistive Technology: Kurt Johnson, (405) 522-3246 [Kurt.Johnson@sde.ok.gov](mailto:Kurt.Johnson@sde.ok.gov)

Universal Design for Learning/Technology: Angela Kwok, (405) 522-5036 [Angela.Kwok@sde.ok.gov](mailto:Angela.Kwok@sde.ok.gov)

Preschool/Early Childhood; Michelle Reeves, (405) 522-4513 [Michelle.Reeves@sde.ok.gov](mailto:Michelle.Reeves@sde.ok.gov)

Dispute Resolution/Compliance: Mark Everhart, (405) 521-4863 [Mark.Everhart@sde.ok.gov](mailto:Mark.Everhart@sde.ok.gov)

# Appendix

**Appendix A**: Part B SPP/APR Indicators

**Appendix B**: OSEP Memorandum 09-02

**Appendix C**: District Determination Template

**Appendix D**: District Data Profile Template

**Appendix E**: Selective Review

**Appendix F**: Sample Improvement Plan

**Appendix G**: Critical Questions Framework

**Appendix H**: Sample Letter for Issuance of Findings

All appendix items are located online at <http://ok.gov/sde/compliance>.

*Appendix A: Part B SPP/APR Indicators*

1. Graduation from High School with a Regular Diploma
2. Exits by Drop-Out from High School
3. Participation and Performance on Statewide Assessments
- 4a. Significant Discrepancy Suspensions/Expulsions
- 4b. Significant Discrepancies within Special Education Suspensions/Expulsions
5. School Age Least Restrictive Environment
6. Early Childhood Environments
7. Early Childhood Outcomes
8. Parent Involvement
9. Disproportionality – Child with a Disability
10. Disproportionality – Eligibility Category
11. Child Find
12. Early Childhood Transition
13. Secondary Transition
14. Postsecondary Outcomes
15. Identification and Correction of Noncompliance
16. Formal Written Complaints
17. Due Process Timelines
18. Resolution Agreements
19. Mediation
20. State Reported Data Submitted on Time and Accurate



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

OCT 17 2008

Contact Person	
Name:	Ruth Ryder
Telephone:	(202) 245-7513

OSEP 09-02

**TO :** Chief State School Officers  
Lead Agency Directors

**FROM :** William W. Knudsen *William W. Knudsen*  
Acting Director  
Office of Special Education Programs

**SUBJECT :** Reporting on Correction of Noncompliance in the Annual  
Performance Report Required under Sections 616 and 642 of the  
Individuals with Disabilities Education Act.

**Introduction**

Pursuant to sections 616(d) and 642 of the Individuals with Disabilities Education Act (IDEA), the Department reviews each State's Annual Performance Report (APR) and, based on data provided in the State's APR, information obtained through monitoring visits, including verification visits, and any other public information, determines if the State: Meets Requirements, Needs Assistance, Needs Intervention, or Needs Substantial Intervention. In making determinations in 2007 and 2008, the Office of Special Education Programs (OSEP) considered, among other factors, whether a State demonstrated substantial compliance on all compliance indicators either through reporting a very high level of performance (generally 95% or better) or correction of noncompliance.<sup>1</sup>

The purpose of this memorandum is twofold. First, the memorandum reiterates the steps a State must take in order to report that the previously identified noncompliance has been corrected. Second, the memorandum describes how we will factor evidence of correction into our analysis of whether the State has demonstrated substantial compliance for purposes of determinations under sections 616 and 642 of the IDEA (beginning with the Department's 2010 determinations based on a review of the FFY 2008 APRs). This memorandum also addresses concerns

<sup>1</sup> For Indicators B-15 and C-9, which measure timely correction of noncompliance, the only way for States to demonstrate substantial compliance is by demonstrating timely correction.

identified in our review of States' FFY 2005 and FFY 2006 APRs about identification and correction of noncompliance and low performance in compliance areas.

**Issue 1 – Demonstrating Correction**

As noted in OSEP's prior monitoring reports and verification visit letters, in order to demonstrate that previously identified noncompliance has been corrected, a State must:

- (1) Account for all instances of noncompliance, including noncompliance identified: (a) through the State's on-site monitoring system or other monitoring procedures such as self-assessment; (b) through the review of data collected by the State, including compliance data collected through a State data system; and (c) by the Department;
- (2) Identify where (in what local educational agencies (LEAs) or early intervention services (EIS) programs) noncompliance occurred, the percentage level of noncompliance in each of those sites, and the root cause(s) of the noncompliance;<sup>2</sup>
- (3) If needed, change, or require each LEA or EIS program to change, policies, procedures and/or practices that contributed to or resulted in noncompliance; and
- (4) Determine, in each LEA or EIS program with identified noncompliance, that the LEA or EIS program is correctly implementing the specific regulatory requirement(s). This must be based on the State's review of updated data such as data from subsequent on-site monitoring or data collected through a State data system.

If an LEA or EIS program did not correct identified noncompliance in a timely manner (within one year from identification), the State must report on whether the noncompliance was subsequently corrected. Further, if an LEA or EIS program is not yet correctly implementing the statutory/regulatory requirement(s), the State must explain what the State has done to identify the cause(s) of continuing noncompliance, and what the State is doing about the continued lack of compliance including, as appropriate, enforcement actions taken against any LEA or EIS program that continues to show noncompliance.

Regardless of the specific level of noncompliance, if a State finds noncompliance in an LEA or EIS program, the State must notify the LEA or EIS program in writing of the noncompliance, and of the requirement that the noncompliance be corrected as soon as possible, but in no case more than one year from identification (i.e., the date on which the State provided written notification to the LEA or EIS program of the noncompliance). In determining the steps that the LEA or EIS program must take to correct the noncompliance and to document such correction, the State may consider a variety of factors, including whether the noncompliance: (1) was extensive or found in only a small percentage of files; (2) resulted in the denial of a basic right under the IDEA (e.g., an extended delay in an initial evaluation with a corresponding delay in the child's receipt of a free appropriate public education or early intervention services, or a failure to provide services in accordance with the individualized education program or individualized family service plan); and (3) represents an isolated incident in the LEA or EIS program, or reflects a long-standing failure to meet the IDEA requirements. Thus, while a State may

---

<sup>2</sup> Please note that while we are not requesting that States provide, in the APR, lists of specific LEAs or EIS programs found out of compliance, we may review documentation of correction that the State required of the LEA or EIS program when we conduct a verification visit or other monitoring activity in a State.

determine the specific nature of the required corrective action, the State must ensure that any noncompliance is corrected as soon as possible, but in no case more than one year from identification.

For any noncompliance concerning a child-specific requirement that is not subject to a specific timeline requirement (State Performance Plan (SPP)/APR Indicators B-9, B-10, B-13, C-8A and C-8B), in addition to the steps above, the State also must ensure that the LEA or EIS program has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the LEA or EIS program. Similarly, for any noncompliance concerning a child-specific timeline requirement (SPP/APR Indicators B-11, B-12, C-1, C-7, and C-8C), in addition to the steps enumerated above, the State must ensure that the LEA or EIS program has completed the required action (e.g., the evaluation or initiation of services), though late, unless the child is no longer within the jurisdiction of the LEA or EIS program. In ensuring that each individual case of noncompliance has been corrected, the State does not need to review each child's record in the LEAs or EIS programs where the noncompliance occurred, but rather may review a reasonable sample of the previously noncompliant files to verify that the noncompliance was corrected.

### **Issue 2 – Factoring Correction into Evaluation of Substantial Compliance**

For purposes of the Department's IDEA section 616 determinations issued since June 2007, we considered a State to be in substantial compliance relative to a compliance indicator if the State's data indicate a very high level of compliance (generally 95% or above), or if the State nonetheless demonstrated correction of identified noncompliance related to that indicator. In the interest of fairness to all States, we will evaluate whether a State demonstrated correction of identified noncompliance related to an indicator when we make our 2009 determinations based on the FFY 2007 APRs, and will use the same approach we used in 2007 and 2008. However, some States are reporting very low levels of compliance year after year, while also reporting that they have corrected previously identified noncompliance. This concerns us because it indicates that systemic correction of noncompliance did not occur. Thus, in the interest of improving LEA and EIS program performance and ultimately improving results for infants, toddlers, children and youth with disabilities, beginning with our 2010 determinations:

- (1) We will no longer consider a State to be in substantial compliance relative to a compliance indicator based on evidence of correction of the previous year's noncompliance if the State's current year data for that indicator reflect a very low level of compliance (generally 75% or below); and
- (2) We will credit a State with correction relative to a child-specific compliance indicator only if the State confirms that it has addressed each instance of noncompliance identified in the data for an indicator that was reported in the previous year's APR, as well as any noncompliance identified by the Department more than one year previously. The State must specifically report for each compliance indicator whether it has corrected all of the noncompliance identified in its data for that indicator in the prior year's APR as well as that identified by the Department more than one year previously.

For example --

- Reporting correction of noncompliance identified in on-site monitoring findings alone will not be sufficient to demonstrate correction if the data reported in a State's prior year's APR showing noncompliance were collected through the State's data system, and the monitoring findings do not include all of the instances of noncompliance identified through the prior year's data.
- In order to report correction of noncompliance identified in data based on a statewide sample, the State would need to track the noncompliance identified in the sample data reported in its prior year's APR back to the specific LEAs or EIS programs with noncompliance and report correction for those LEAs or EIS programs.

In other words, a State's demonstration of correction needs to be as broad in scope as the noncompliance identified in the prior year's data.

We hope that you find the information in this memorandum helpful in collecting and reporting data for your future SPP/APR submissions. OSEP is committed to supporting your efforts to improve results for infants, toddlers, children and youth with disabilities and looks forward to working with your State over the next year. If you have any questions, would like to discuss this further, or would like to request technical assistance, please do not hesitate to call your OSEP State Contact.

cc: Part B State Directors  
Part C Coordinators

Appendix C: District Determination Template

## District Determination, 2012-2013

County Name: «COUNTY\_NAME»

District: «District\_Name»

Total Student Enrollment: «ENROLLMENT»

Enrollment Cluster: «cluster»\*

Child Count (students with disabilities) TOTAL: «CC»



### Calculation Matrix for 2011-2012 District Determination

Oklahoma State Performance Plan Indicator	Weight Assigned to Indicator	2011-2012 District Results	Indicator Total = (weight) x (district result)
Indicator 4b: Significant discrepancy in discipline rates with policies, procedures or practices that contribute to finding	5%		
Indicator 9: Disproportionality – Child with a Disability	10%	«r9»	«d9»
Indicator 10: Disproportionality – Eligibility Category	10%	«r10»	«d10»
Indicator 11: Child Find, timely initial evaluation	5%	«r11»	«d11»
Indicator 12: Early Childhood Transition, IEP developed and implemented by third birthday	5%	«r12»	«d12»
Indicator 13: Secondary Transition	5%	«r13»	«d13»
Indicator 15: Identification & Timely Correction of Noncompliance	10%	«r15»	«d15»
Indicator 20a: State Data: Timeliness and Accuracy, October 1 <sup>st</sup> Child Count	10%	«r20a»	«d20a»
Indicator 20b: State Data: Timeliness and Accuracy, End of Year Report	10%	«r20b»	«d20b»
Indicator 20c: State Financial Data: Timeliness and Accuracy, Assurances and LEA Agreements	10%		
Indicator 20d: State Financial Data: Timeliness and Accuracy, Budget Application	10%		
Indicator 20e: State Financial Data: Timeliness and Accuracy, Final Expenditure Report	10%		
<b>Total Weights</b>	<b>100%</b>	<b>2012-2013 District Weight:</b>	<b>«total1112»</b>
Any critical and/or special investigative audits and findings related to special education	<b>Yes or No</b>		
Longstanding Noncompliance: more than two years	<b>Yes or No</b>		

### History of Determinations for District

2005-2006: «d0506»

2006-2007: «d0607»

2007-2008: «d0708»

2008-2009: «d0809»

2009-2010: «d0910»

2010-2011: «d1011»

2011-2012: «d1112»

2012-2013: «d1213»

### Matrix for Level of Determination

Level of Determination	District Total Weight	Other Findings
Meets Requirements	90% to 100%	
Needs Assistance	80% to 89%	
Needs Intervention	70% to 79%	
Needs Substantial Intervention	less than 70%	

For the 2005-2006 levels of determination, the following percentages were used: Meets Requirements: 95% to 100%; Needs Assistance: 75% to 94%; Needs Intervention: 55% to 74%; Needs Substantial Intervention: less than 55%

NA: indicates that the indicator does not apply for the district (may be a new district or charter school) but still receives full credit for ease in calculations.

\* The Oklahoma State Department of Education (OSDE), Special Education Services (SES), identified six clusters of total student enrollment for comparison/reporting purposes: 1) 9,000 students and above, 2) 3,000 to 8,999 students, 3) 1,000 to 2,999 students, 4) 500 to 999 students, 5) 250 to 499 students, and 6) 1 to 249 students.

For more information, the *Oklahoma State Performance Plan (SPP 2005- 2013)*, as well as the *Oklahoma Annual Performance Report (APR, 2013)* can be located on the OSDE-SES Web site:  
<http://ok.gov/sde/documents/2012-10-01/special-education-data-and-reporting-part-b-children-ages-3-through-21>

Appendix D: District Data Profile Template

## District Data Profile, 2012-2013

County: «COUNTY\_NAME»

District: «District\_Name»

Total Student Enrollment: «ENROLLMENT»

Enrollment Cluster: «cluster»\*

Child Count (students with disabilities) Total: «CC»



### Oklahoma State Performance Plan (2013) Data Indicators

<b>Indicator 1: Graduation from High School with a Regular Diploma</b>			
<b>Data Source: Accountability and Assessment Title I data</b>	District	State Target	Meets Target
Percent of students with disabilities in Grade 12 who graduated with a diploma	«r1»	82.40%	«t1»
<i>Note: Results may be different from other reports due to differences in calculations and data sources. For detailed information, see the information from Accountability and Assessment at <a href="http://ok.gov/sde/accountability-state-testing-results">http://ok.gov/sde/accountability-state-testing-results</a></i>			
<b>Indicator 2: Exits by Drop-Out from High School</b>			
<b>Data Source: Special Education End of Year Data Report</b>	District	State Target	Meets Target
Percent of exited students with disabilities who dropped out	«r2»	< 4.05%	«t2»
<i>Note: Results may be different from other reports due to differences in calculations and data sources.</i>			
<b>Indicator 3: Participation and Performance on Statewide Assessments</b>			
<b>Data Source: Accountability and Assessment Consolidated State Performance Report data</b>	District	State Target	Meets Target
Participation rate for Math assessments	Not available at this time		
Participation rate for Reading assessments	Not available at this time		
Proficiency rate for Math assessments	«r3c»	81.07%	«t3c»
Proficiency rate for Reading assessments	«r3d»	80.40%	«t3d»
<i>Note: Results may be different from other reports due to differences in calculations and data sources. Grades included in participation/proficiency of assessment include 3, 4, 5, 6, 7, 8, and end-of-instruction. For detailed information, see the information from Accountability and Assessment at <a href="http://ok.gov/sde/accountability-state-testing-results">http://ok.gov/sde/accountability-state-testing-results</a></i>			
<b>Indicator 4a: Significant Discrepancy Suspension/Expulsion</b>			
<b>Data Source: Special Education End of Year Data Report</b>	District	State Target	Meets Target
Risk ratio for students with disabilities with long-term suspensions/expulsions	«r4a»	< 2.50	«t4a»
<b>Indicator 4b: Significant Discrepancies within Special Education Suspensions/Expulsions</b>			
<b>Data Source: Special Education End of Year Data Report</b>	District	State Target	Meets Target
Findings of (a) a significant discrepancy and (b) policies, procedures or practices that contribute to the finding and do not comply with requirements	None	No Findings	Yes
<b>Indicator 5: School Age Least Restrictive Environment</b>			
<b>Data Source: Special Education October 1 Child Count</b>	District	State Target	Meets Target
Percent of students with disabilities inside regular class >80% of the day	«r5a»	51.04%	«t5a»
Percent of students with disabilities inside regular class <40% of the day	«r5b»	< 9.84%	«t5b»
Percent of students with disabilities in separate schools/facilities.	«r5c»	< 1.85%	«t5c»
<b>Indicator 6: Early Childhood Environments</b>			
<b>Data Source: Special Education October 1 Child Count</b>	District	State Target	Meets Target
Percent attending regular EC program and receiving majority of special education and services in regular early childhood program	«r6a»	39.49%	«t6a»
Percent attending separate special education class, separate school, or residential facility	«r6b»	<18.40%	«t6b»

NA: indicates that the calculation does not apply for the district  
 NR: indicates that there are no results for the district

\* The Oklahoma State Department of Education (OSDE), Special Education Services (SES), identified six clusters of total student enrollment for comparison/reporting purposes: 1) 9,000 students and above, 2) 3,000 to 8,999 students, 3) 1,000 to 2,999 students, 4) 500 to 999 students, 5) 250 to 499 students, and 6) 1 to 249 students.

<b>Indicator 7: Early Childhood Outcomes</b> <i>Data Source: Special Education End of Year Data Report</i>	District	State Target	Meets Target
<b>Outcome A: Positive social-emotional skills and relationships</b>			
Percent who increased rate of growth by six years of age or exited the program	«r7a1»	91.00%	«t7a1»
Percent functioning within age expectations by six years of age or exited the program	«r7a2»	59.00%	«t7a2»
<b>Outcome B: Acquisition and using knowledge and skills</b>			
Percent who increased rate of growth by six years of age or exited the program	«r7b1»	90.00%	«t7b1»
Percent functioning within age expectations by six years of age or exited the program	«r7b2»	58.00%	«t7b2»
<b>Outcome C: Use of appropriate behaviors to meet their needs</b>			
Percent who increased rate of growth by six years of age or exited the program	«r7c1»	92.00%	«t7c1»
Percent functioning within age expectations by six years of age or exited the program	«r7c2»	72.00%	«t7c2»
<b>Indicator 8: Parent Involvement</b> <i>Data Source: Special Education Parent Surveys</i>			
Percent reported schools facilitated parent involvement to improve services and results		Number of surveys returned: «r8a»	
<b>Indicator 9: Disproportionality – Child with a Disability</b> <i>Data Source: Special Education October 1 Child Count</i>			
Is disproportionate representation in special education the result of inappropriate identification?	No	No	Yes
<b>Indicator 10: Disproportionality – Eligibility Category</b> <i>Data Source: Special Education October 1 Child Count</i>			
Is disproportionate representation in disability categories the result of inappropriate identification?	No	No	Yes
<b>Indicator 11: Child Find</b> <i>Data Source: Special Education End of Year Data Report</i>			
Percent of children who were evaluated and eligibility determined within 45 school days	«r11»	100%	«t11»
<b>Indicator 12: Early Childhood Transition</b> <i>Data Source: Special Education End of Year Data Report</i>			
Percent determined eligible for Part B services and IEPs completed on or before 3 <sup>rd</sup> birthday	«r12»	100%	«t12»
<b>Indicator 13: Secondary Transition</b> <i>Data Source: Special Education End of Year Data Report</i>			
Percent of youth aged 16 and above with IEP that includes annual IEP goals and transition services to meet the post-secondary goals	«r13»	100%	«t13»
<b>Indicator 15: Identification and Correction of Noncompliance</b> <i>Data Source: Special Education Monitoring and Complaint Logs</i>			
Timely correction of noncompliance findings in one year	Yes	100%	Yes
<b>Indicator 20: State Reported Data Submitted on Time and Accurate</b> <i>Data Sources: Special Education October 1 Child Count and End of Year Data Report</i>			
October 1 Child Count submitted on time and accurate	«r20a»	Yes	«t20a»
End of Year Data Report submitted on time and accurate	«r20b»	Yes	«t20b»
Assurances and LEA agreements submitted on time and accurate	«r20c»	Yes	«t20c»
Budget Application submitted on time and accurate	«r20d»	Yes	«t20d»
Final Expenditure Report submitted on time and accurate	«r20e»	Yes	«t20e»

For more information, the *Oklahoma State Performance Plan (SPP 2005- 2013)*, as well as the *Oklahoma Annual Performance Report (APR; 2013)* can be located on the OSDE-SES Web site: <http://ok.gov/sde/documents/2012-10-01/special-education-data-and-reporting-part-b-children-ages-3-through-21>



*Appendix F: Sample Improvement Plan*

**IMPROVEMENT PLAN FOR INDICATOR 13**

**District:**

**Date:**

**Superintendent:**

IDEA Transition Requirement	Mark Areas Needing Improvement
1. Are there measurable postsecondary goal(s) that cover education or training, employment, and, as needed, independent living?	<input type="checkbox"/>
2. Is (are) the postsecondary goal(s) updated annually?	<input type="checkbox"/>
3. Is there evidence that the measurable postsecondary goals were based on an age-appropriate transition assessment?	<input type="checkbox"/>
4. Is (are) there annual IEP goal(s) that will reasonably enable the student to meet the postsecondary goal(s)?	<input type="checkbox"/>
5. Do the transition services include courses of study that focus on improving the academic and functional achievement of the child to facilitate their movement from school to post-school?	<input type="checkbox"/>
6. Is (are) there annual IEP goal(s) related to the student's transition services needs?	<input type="checkbox"/>
7. Is there evidence that the student was invited to the IEP Team meeting where transition services were discussed?	<input type="checkbox"/>
8. For transition services likely to be provided/paid for by agencies with parent (or child) consent, is there evidence that representatives of the agency(ies) were invited to the IEP meeting?	<input type="checkbox"/>

Improvement Plan
Current Areas of Strength
SMART GOAL (Specific, Measurable, Achievable, Relevant, Time-Bound)
Action Steps/Activities
Person(s) Responsible
Timeline
Evidence/Documentation of 100% Compliance ( <i>must be submitted by June 30<sup>th</sup></i> )

**ASSURANCE:**

\_\_\_\_\_ (district) shall develop and implement improvements for noncompliance in the area of Indicator 13 Secondary Transition in order to comply with state and federal laws and regulations. Improvements and remedies will include supports, such as 'technical assistance and training', necessary to assist teachers and administrators of the district in their efforts to implement a free appropriate public education (FAPE) in the least restrictive environment, with parent participation, and in accordance with procedural safeguards under IDEA, Part B.

**Superintendent:**

**Name:** \_\_\_\_\_ **Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Person(s) Responsible for Implementation:**

**Name:** \_\_\_\_\_ **Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Name:** \_\_\_\_\_ **Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

Indicator 13 is considered a 100% compliance Indicator. Therefore, in order to be compliant as a district, each IEP must demonstrate compliance for each of the eight indicators with either a "yes or NA". The IDEA Transition Requirements section is tied to the Indicator 13 Checklist and will assist in the development of the improvement plan.

*Mark Areas Needing Improvement:* Check each area needing improvement as a result of the district not currently meeting the required 100% compliance. These areas will need to be addressed in the SMART Goal section.

**Instructions for Completing Improvement Plan:**

***Improvement plan and evidence of correction of non-compliance must be submitted to OSDE within 60 days. Outcome of 100% compliance must be achieved by June 30<sup>th</sup>.***

*Current Areas of Strength:* List the areas where your district has excelled in the implementation of secondary transition services for student with disabilities.

*SMART Goal:*

*What will you do to ensure that students will be provided adequate secondary transition services?*

Develop goal(s) specific to each area of improvement that are measurable and relevant to your district staff and students' needs to prepare students in obtaining their post-secondary goals. Each goal needs to be time-bound to ensure 100% compliance is met on or before June 30<sup>th</sup>.

*Action Steps/Activities:* List the detailed steps that will be taken to implement the SMART Goals.

*Person(s) Responsible:* List the person(s) that will be responsible to ensure all of the SMART Goals are implemented as well as monitoring their impact on transition services for students.

*Timeline:* Construct a detailed timeline, including each of the action steps to be implemented, to obtain 100% compliance on or before June 30<sup>th</sup>.

*Evidence/Documentation of 100% Compliance:* Describe the evidence/documentation that will be used to measure your progress.

**Resources for Secondary Transition can be found at <http://ok.gov/sde/secondary-transition>.**



1. Are young children with disabilities entering kindergarten ready to learn?

- Indicator 6: Early Childhood Environments
- Indicator 7: Early Childhood Outcomes
- Indicator 12: Early Childhood Transition

2. Are children with disabilities afforded equal educational opportunity?

- Indicator 3: Participation and Performance on Statewide Assessments
- Indicator 4a: Significant Discrepancy Suspensions/Expulsions
- Indicator 5: School Age Least Restrictive Environment
- Indicator 8: Parent Involvement
- Indicator 16: Formal Written Complaints
- Indicator 17: Due Process Timelines
- Indicator 18: Resolution Agreements
- Indicator 19: Mediation

3. Are youth with disabilities prepared for life, work and postsecondary education?

- Indicator 1: Graduation from High School with a Regular Diploma
- Indicator 2: Exits by Drop-Out from High School
- Indicator 13: Secondary Transition
- Indicator 14: Postsecondary Outcomes

4. Does the district implement IDEA with fidelity?

- Indicator 4b: Significant Discrepancies within Special Education Suspensions/Expulsions
- Indicator 9: Disproportionality – Child with a Disability
- Indicator 10: Disproportionality – Eligibility Category
- Indicator 11: Child Find
- Indicator 12: Early Childhood Transition
- Indicator 13: Secondary Transition
- Indicator 15: Identification and Correction of Noncompliance
- Indicator 20: State Reported Data Submitted on Time and Accurate

*Appendix H: Sample Letter for Issuance of Findings*



**JANET BARRESI**  
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION  
STATE OF OKLAHOMA

Month DD, YYYY

XXXXXXXXXXXXXXXXXXXX  
XXXXXXXXXXXXXXXXXXXX, Superintendent  
XXXXXXXXXXXXXXXXXXXX  
XXXXXXXXXX, Oklahoma XXXXXX

Dear XXXXXXXXXXXX,

The Oklahoma State Department of Education (OSDE), Special Education Services (SES) maintains the responsibility for general supervision of compliance with federal and State requirements for providing special education and related services to children with disabilities in accordance with the Individuals with Disabilities Education Act (IDEA). The OSDE-SES focuses on improving educational results and functional outcomes for all children with disabilities. The OSDE-SES also ensures that Local Educational Agencies (LEAs) meet the program requirements under the IDEA Part B, with a particular emphasis on those requirements that are most closely related to improving educational results for children with disabilities.

The OSDE-SES is required by the IDEA to issue a finding whenever an issue of noncompliance is identified; the LEA is notified of the area(s) of noncompliance and may be required to develop either an improvement plan and/or corrective action plan. It is important to note that a LEA may be in the "Meets Requirements" determination category and still be out of compliance on any indicator where 100% compliance is required by the IDEA.

The identified areas of non-compliance are:

**Indicator 11:** Percent of children with parental consent to evaluate, who were evaluated and eligibility was determined within 45 school days. Based on data submitted for the End of Year Report, XXX school district had XX students whose evaluations were not completed within 45 school days (XX days maximum).

- **LEA Requirements: Within 60 calendar days of the receipt of this letter provide documentation to demonstrate that the children that did not receive their evaluation within 45 school days did indeed receive an evaluation. Please provide the MEEGS forms for each of these children. The data being requested is from the xxxx-xxxx school year.**

In addition, to this verification the OSDE-SES is required to follow-up with each district where noncompliance is identified to ensure that the issues identified are not a systemic problem within the district. Therefore, we will be contacting you at a later date. If you have any questions, please do not hesitate to contact Mark Everhart, Compliance Specialist, at (405) 521-4863 or by email at [Mark.Everhart@sde.ok.gov](mailto:Mark.Everhart@sde.ok.gov).

Sincerely,

Cynthia Bernardi-Valenzuela  
Executive Director  
Oklahoma State Department of Education  
Special Education Services

OKLAHOMA STATE DEPARTMENT OF EDUCATION  
2500 NORTH LINCOLN BOULEVARD, OKLAHOMA CITY, OK 73105-4599  
PHONE: (405) 521-3301 FAX: (405) 521-6205  
<http://sde.state.ok.us>